United States Department of Labor Employees' Compensation Appeals Board

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K.A., Appellant)
and) Docket No. 13-207
U.S. POSTAL SERVICE, POST OFFICE, Antioch, CA, Employer) Issued: April 12, 2013)) _)
Appearances: Sylvia R. Johnson, for the appellant Office of Solicitor, for the Director	Case Submitted on the Record

ORDER REMANDING CASE

Before:
RICHARD J. DASCHBACH, Chief Judge
COLLEEN DUFFY KIKO, Judge
PATRICIA HOWARD FITZGERALD, Judge

On November 5, 2012 appellant, through her representative, filed an application for review of the Office of Workers' Compensation Programs' (OWCP) May 8, 2012 merit decision denying her traumatic injury claim. The appeal was docketed as No. 13-207. After considering the evidence of record, the Board finds this case not in posture for a decision.

This appeal involves appellant's July 13, 2011 traumatic injury claim (File No. xxxxxx655) in which she alleged that she developed psychological conditions as a result of observing the shooting death of an individual on February 1, 2009. Appellant's claim was originally denied by decision dated November 15, 2011. She requested an oral hearing.

In a decision dated May 8, 2012, an OWCP hearing representative reviewed the medical evidence of record. The decision reflects that he also reviewed the evidence contained in three other claims previously filed by appellant.¹ In File No. xxxxxx246, in which appellant claimed that she had developed consequential psychiatric conditions as a result of her orthopedic upper extremity injuries in that claim, the hearing representative discussed the statement of accepted

¹ On January 15 and February 13, 2009 appellant filed occupational disease claims for stress-related conditions (File Nos. xxxxxx462 and xxxxxx463). Her January 3, 2007 traumatic injury claim was accepted for orthopedic upper extremity conditions (File No. xxxxxx246).

facts and the January 21, 2010 second opinion report prepared in that case, which referenced the shooting incident and provided a diagnosis of post-traumatic stress disorder. He also discussed the allegations and evidence contained in File No. xxxxxx462 concerning the cause of appellant's psychological condition.

The Board finds that it is essential to review the medical evidence contained in File Nos. xxxxxx246 and xxxxxx462 in order to render a full and fair adjudication of the present appeal. Due to the overlapping nature of the claims, the evidence contained in those case records will necessarily bear directly on appellant's claim for compensation in File No. xxxxxx655. Without reviewing the case record in File Nos. xxxxxx246 and xxxxxx462, the Board is unable to determine whether OWCP properly considered all relevant evidence in rendering its final decision. Accordingly, this case will be remanded for OWCP to consolidate case files xxxxxx655, xxxxxx246 and xxxxxx462. Reconstruction of the record will be followed by a *de novo* decision on the merits of the claim, in order to protect appellant's appeal rights.

IT IS HEREBY ORDERED THAT the Office of Workers' Compensation Programs' May 8, 2012 decision be set aside and the case remanded for further development consistent with this order.

Issued: April 12, 2013 Washington, DC

> Richard J. Daschbach, Chief Judge Employees' Compensation Appeals Board

> Colleen Duffy Kiko, Judge Employees' Compensation Appeals Board

> Patricia Howard Fitzgerald, Judge Employees' Compensation Appeals Board